



FOX TELEVISION STATIONS, INC.

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A Unit of Fox Television

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June 21, 2005

Shaun Maher, Esq.
Federal Communications Commission
Room 2-A820
445 12th Street, SW
Washington, DC 20554

Re: MB Docket No. 03-15

Dear Mr. Maher:

KTBC License, Inc. ("KTBC"), licensee of television station KTBC(TV) and permittee of KTBC-DT, Austin, Texas, File No. BPCDT-19991028AEL, respectfully requests that the Commission waive the July 1, 2005 "use-it-or-lose-it" deadline for full-power DTV operation adopted by the Commission at paragraph 78 of the *Second DTV Periodic Review Report and Order of the Commission's Rules and Policies Affecting the Conversion To Digital Television*, MB Docket No. 03-15, RM 9832, released September 7, 2004 (19 FCC Rcd 18,279), pursuant to the procedure set out in Public Notice DA 05-1636, released June 15, 2005.

KTBC initially believed that a new antenna tower would have to be constructed in order for KTBC-DT to operate at its fully-authorized power, because the station's existing tower would not support the addition of a full-power DTV antenna. Tower construction posed a serious environmental concern, because the station's present site is located within the mating grounds of a protected bird species, the golden-cheeked warbler, and, during the bird's mating season, no construction can take place at the site. Facing a severely constrained window for construction, the station applied for STA to operate its DTV facility at low power and has been operating pursuant to Special Temporary Authorization ("STA"), File No. BEDSTA-20020905ACD, since April 2002 and currently covers the community of Austin with the requisite signal strength. By this letter, extensions of KTBC-DT's STA and the above-referenced Construction Permit also are requested.

After considerable analysis, KTBC's architect arrived at a solution that will require only an extension of KTBC's present transmitter building (even construction of a new transmitter building would have been constrained by the golden-cheeked warbler's mating season) in order for KTBC-DT to operate at full facilities. Now that a solution to the environmental issue has been reached, KTBC has ordered its DTV transmission line and antenna and scheduled an installation crew. Its DTV transmitter shipped on June 10, 2005. Copies of invoices are attached hereto. The price terms are redacted, as this is proprietary information. Clean copies are included with the paper filing of the extension request. I respectfully request that the cost figures in these documents be

withheld from public inspection pursuant to Sections 0.457(d) and 0.459 of the Commission's Rules, 47 CFR Sections 0.457(d) and 0.459, as this information is proprietary and not otherwise available for public inspection.

KTBC is currently waiting for the electric company to change its incoming service from a 208-volt to a 480-volt system. Assuming no delays in the city permitting process for the transmitter building extension, KTBC-DT could be fully operational by July 15, 2005, but certainly no later than September 1, 2005. In light of the expenditures already incurred, KTBC's good faith in implementing DTV cannot be called into question, and the station's full-power DTV contours should be protected for a brief period following the "use-it-or-lose-it" deadline.

As further evidence of good faith, the Commission merely need look to the overall efforts of Fox Television Stations, Inc. ("Fox") in implementing DTV to date:

- Twenty-five of Fox's owned and operated stations have met all applicable deadlines and currently are operating at full facilities;
- Of Fox's remaining ten owned and operated stations, eight are operating low-power DTV facilities pursuant to STA and will be fully operational within this calendar year, one is operating a low-power DTV facility and will meet its full-power deadline of July 1, 2006, and one, a satellite station that does not have a DTV channel allotment, will "flash cut" to DTV;
- All of Fox's DTV facilities implemented dynamic PSIP in a timely fashion;
- Fox has granted digital carriage rights to numerous multichannel video providers nationwide on behalf of all of its owned and operated stations and includes digital carriage provisions in all of its retransmission consent agreements.

As the foregoing illustrates, Fox's commitment to DTV implementation cannot be questioned, and the modest waiver of time sought for KTBC-DT's full-power operation should be granted.

I hereby certify that no party to this extension request is subject to denial of federal benefits pursuant to § 5301 of the Anti-Drug Abuse Act of 1998, 21 USC § 862.

Respectfully submitted,

Molly Pauker

Attachments